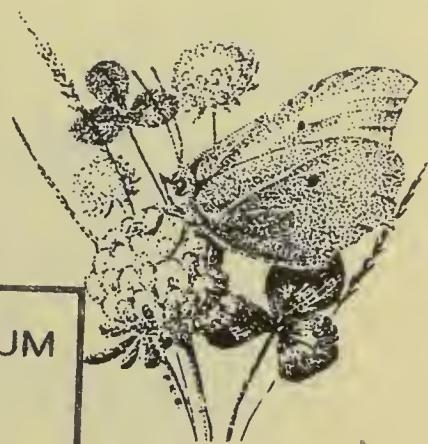
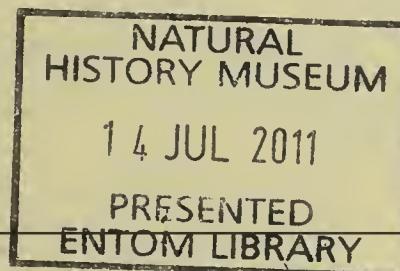


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Invertebrate Conservation News

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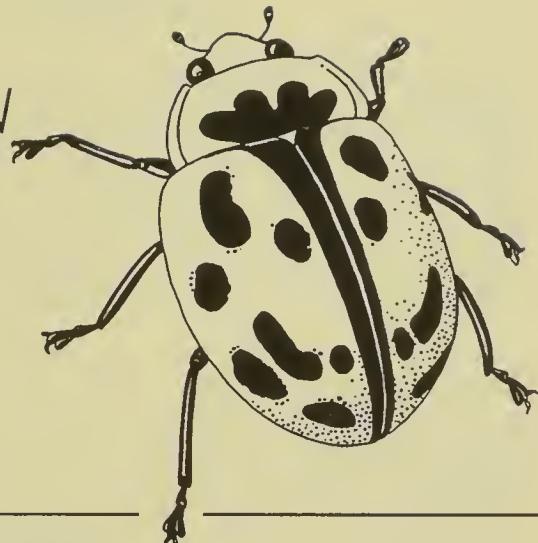
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INVERTEBRATE CONSERVATION NEWS



No. 65, June 2011

EDITORIAL

The UK government's policy of easing the nation's burden of regulation and bureaucracy (the "Red Tape Challenge") has provoked mixed reactions. Presumably, most people would relish an opportunity to be freed from some of the frustrating and sometimes unjust consequences of legislation, however well-intentioned. But in many instances, red tape is seen as a necessary price to pay for the benefits that regulation can provide. It is presumably for this reason that the government has stated its intention to fulfil the aims of existing regulations, while seeking the least burdensome means of doing so.

Most of the UK's environmental regulations, including laws designed to protect wildlife and to help reduce anthropogenic climate change, could in principle be scrapped under the "Red Tape Challenge". This prospect has therefore engendered concern amongst many environmental organisations. Also, the well known Internet-based public campaigning organisation "38 Degrees" has mounted a petition against any scrapping of environmental laws.

With specific regard to legally protected invertebrates, total decriminalisation is very unlikely, since the UK is bound by international law to protect certain species. A policy of removing other invertebrates from the protected list would probably evoke a wide range of reactions. Some collectors would probably relish a sense of renewed freedom, even if in practice they exercise restraint beyond current legal requirements, in accordance with the widely accepted Invertebrate Link Code for Collecting. There are, in contrast, other individuals and interest-groups who would prefer to see a general ban on collecting invertebrates from the wild.



Opinions are formed for a variety of reasons, but the current listing of invertebrates for legal protection in the UK is, at least in principle, based on an assessment of their vulnerability to harm from activities such as collecting. This assessment is, however, often difficult, owing to an insufficiency of information regarding both the potential impact of collecting, and the effectiveness of the law (rather than voluntary restraint) in influencing the behaviour of collectors.

One of the more frequently criticised aspects of the UK's species-protection law is the clause whereby the possessor of a specimen (or anything derived from a specimen) of a fully protected species is assumed to be guilty unless he or she can prove that the specimen was obtained lawfully (e.g. before the species was scheduled). There is therefore concern that possessors of lawfully obtained specimens could be inappropriately pursued. Also there is a perception of a fundamental injustice in being assumed 'guilty until proven innocent'. In a practical context, a burdensome and uncertain procedure seems to face anyone who needs to obtain certification of legal possession. On the other hand, the 'guilty until proven innocent' clause was developed for the reason that early legislation (mostly concerning birds) was found to provide loopholes for people who had obtained specimens unlawfully but had not been apprehended in the act of taking them from the wild.

Another type of loophole would exist if people were allowed to possess products or materials derived from species that could not be lawfully possessed as whole specimens. The need to avoid this loophole was recognised many years ago with regard to trade in products such as birds' feathers and the skins of mammals and reptiles. The more recent inclusion of invertebrates in legislation takes account of trade in products such as pearls, ornamental shells and butterfly wings. Beyond the context of trade, however, the law can seem draconian where it pertains to 'anything derived from' a protected species. For example, people who work near bat roosts are advised that they could be prosecuted if found in possession of bat droppings. Presumably the same could apply to the droppings of a protected invertebrate. Similarly, the otherwise very valuable law against disturbing a protected species can seem unreasonable where it is interpreted as automatically prohibiting activities such as photography, regardless as to whether actual disturbance is involved.

If entomologists and others have mixed feelings about the scrapping of regulations that impinge on their activities, the same is probably true of landowners who have to comply with laws for site protection. Even



those who keenly support conservation sometimes resent being told how to manage their own property and might see some advantage in the scrapping of certain provisions of the law. Any such change could, however, lead to immense damage, by permitting developments and practices that would destroy the existing habitat-value of many sites that are currently protected. Nevertheless, certain sites would continue to receive protection as a result of the UK's obligations under international law.

Although UK law comprises separate clauses for the protection of species and of sites, these two aspects of the law work together to enable sites to be designated [e.g. as Sites of Special Scientific Interest (SSSIs)] where they support scheduled species. This has happened in many instances where scheduled invertebrates have been recorded.

SSSI-status is sometimes seen as an obstacle to the profitable use of the sites concerned, but does not always stand in the way of strategic developments, such as the building or widening of highways. In such cases, the translocation of specimens to nearby suitable sites has sometimes been accepted as a condition for planning consent, even though the prospects of success are usually poor. Similar conditions are often imposed on the developers of sites inhabited by vertebrates that, although legally protected, are not rare enough for SSSI-status to be conferred. A frequent example is the slow-worm *Anguis fragilis*. Developers seem, however, to be somewhat contemptuous of conditions that they regard as an unnecessary and costly burden. Anecdotal evidence indicates that the conditions are often flouted for want of enforcement.

The degree of contempt for protected species as 'site guardians' in the UK is, however, not as great as in the USA, where their presence has sometimes prevented major developments, with much loss of potential profit. Developers in the USA seem to have much more respect for protected species that happen to be vertebrates, sometimes declaring that they would not mind foregoing some profit for the sake of the Bald eagle (for example), as compared with (in their view) an insignificant fly or snail. This attitude might come partly from a tendency in the USA to apply the term 'wildlife' only to vertebrates (perhaps not even including fish), but the irritation of American developers owes something to the taxonomic splitting of certain invertebrates, whereby a site can be designated by virtue of supporting a unique local subspecies.

Judging by the responses that had been posted on the UK government's red tape consultation website by the time of writing



(mid-May), there will be little support for scrapping laws for wildlife protection. If, however, there are any anomalies that are making life unnecessarily irksome for people, perhaps the government's policy will provide an opportunity for a worthwhile review.



NEWS, VIEWS AND GENERAL INFORMATION

More on ragwort misinformation in the UK

It is almost ten years since the pages of *ICN* included reports of the debate for and against a UK parliamentary bill to strengthen legal provisions for the control of ragwort *Senecio jacobaea*, on the grounds that this native British plant was causing widespread poisoning of horses. The Ragwort Control Act (RCA) was passed in 2003, but with safeguards that recognised the need to avoid unnecessary destruction of a plant that is important for the survival of many invertebrate species, of which more than thirty would become extinct in its absence.

The safeguards that exist in RCA 2003 were won in the face of a concerted anti-ragwort campaign. The campaign had been based largely on statistics of cases where horses had been diagnosed as having liver damage, but there had generally been no tests to establish whether ragwort was involved. The safeguards seem to have disappointed the anti-ragwort campaigners, who have continued to persuade landowners to eradicate ragwort in situations where the safeguards clearly show that there is no need to do so. As mentioned in *ICN* No. 60, former AES Conservation Committee member Neil Jones has been running a campaign to identify instances of misinformation, some of which are mentioned below. The positive news is that some of the organisations involved in the unnecessary control of ragwort have changed their practices when supplied with accurate information.

Inaccurate representation of the law is one of the most frequent kinds of misinformation. Neil Jones has found an example in the website of Scarborough Council in Yorkshire. Together with various relatively minor inaccuracies, there is an incorrect statement that "*it is an offence to allow the plant to proliferate on your land and spread to adjacent property*". Neil found some similar misinformation in a Florida-based blog called "Dog-Apparel", which stated incorrectly that



ragwort is a “notifiable” weed in the UK (the correct designation is “injurious”) and that anyone finding it should pull it up. Neil points out that one of the worst things to do is to pull up ragwort and then to leave it lying. The fresh plant is unpalatable to horses and is not usually a direct threat to them, unless they are very short of anything else to eat. When dry, after being pulled and left lying, or when carelessly incorporated into hay, it becomes more palatable and thus far more likely to cause poisoning. Neil also points out that it is unlawful to uproot any wild plant in the UK without the permission of the landowner or occupier.

In some cases, misinformation is disseminated by organisations that purport to be quoting official government guidance. The sources of such ‘second-hand’ inaccuracies can be difficult to trace. Neil Jones cites the website of a magazine called *Smallholder*, in which the Welsh Assembly Government is quoted as saying that it... “wishes to remind all landowner/occupiers, Local Authorities, Trunk Road Agencies and Network Rail that they have a statutory responsibility to prevent and control the spread of ragwort under the Weeds Act 1959.” Neil points out that this is incorrect, since the Weeds Act does not impose any such duty automatically. He also refers to an inaccuracy on the part of Milton Keynes Council, which allegedly states that five specified weeds are controlled under the Weeds Act 1959. He suggests that the Council is thereby trying to justify an aggressive mowing policy of roadside verges. Neil points out that the law does not automatically require that ragwort is controlled; it only enables people to be ordered to control ragwort in certain defined situations.

Neil also reminds his readers that efforts to control Common ragwort, often driven by misinformation, can result in the mistaken destruction of other yellow-flowered plants, such as St. John’s wort *Hypericum perforatum* (a member of a different plant family), which are important in their own right as the foodplants of specialised invertebrates. There are also rare species of ragwort, such as the Hoary ragwort *Senecio erucifolius*, which can be ignorantly destroyed in this way.

Misinformation is sometimes evident in reports of weed control work by various voluntary groups. While looking at Neil Jones’ blog, former AES President Reg Fry noticed one such example, involving an ecologically important site in Somerset, SW England. Reg wrote to the group of volunteers who were helping to manage the site, attaching a copy of the official Code of Practice for implementing the law. According to the Code, ragwort should be controlled if is growing within a certain distance from land used for grazing by horses and



other animals or land used for feed/forage production. The distance is 100 m when the ragwort is flowering or seeding, or otherwise 50 m. At the site concerned, the distance was more than 240 m. Having been made aware that the ragwort control was based on misinformation, the group spokesman responded to Reg Fry very positively, since he happened to be a keen entomologist and had been concerned about the loss of biodiversity that was being perpetrated.

Reg Fry has been in contact also with the Countryside Restoration Trust (CRT). In the latest e-newsletter of the CRT (2011), Rod Kebble wrote as follows about the work of volunteers at a site designated for its wildlife value at Pierrepont Farm, near Millbridge in Surrey, SE England. ... “*Meanwhile, the women (plus Ray Ashdown) collected nine sackfuls (sic) of Stinking Willie (as ragwort is known north of the border) from the Wey Meadow SSSI (site of special scientific interest), with more to come next time. The ragwort has to be gathered and disposed of as it can be extremely harmful [i.e. fatal] to cattle and horses due to the toxins it contains causing liver failure*”. Although the report correctly states that ragwort is poisonous, it fails to state whether the circumstances made control necessary according to the Code of Practice. It also fails to say anything about the biodiversity value of ragwort, even though the site is an SSSI. This seems unfortunate and not entirely consistent with the CRT’s statement that it is “*committed to wildlife-friendly farming and aims to protect and restore Britain’s countryside*”. Reg Fry has, however, reported that the CRT has now sent all its members a copy of a guidance document published by Buglife — The Invertebrate Conservation Trust at :<http://www.buglife.org.uk/conservation/currentprojects/Habitats+Action/Ragwort/>

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Defra Code of Practice: archive.defra.gov.uk/wildlife-pets/wildlife/management/weeds/index.htm

Neil Jones’ blog: <http://ragwort-hysteria.blogspot.com/>

Red Tape Challenge in the UK

The UK government is running a public consultation, from April 2011 to April 2013, in order to seek comments and ideas about the impacts of regulations on daily life and business. Under current UK law, more than 21,000 regulations have been counted. Respondents are invited to say whether they would like particular regulations to be retained,



merged, scrapped or otherwise amended. The government wants to focus on regulations that are thought to place the biggest burdens on businesses and society. Some of these could come under the heading of 'environmental regulations', which include all the legal provisions for wildlife conservation.

Given that legislation is constantly spawning new regulations, the government has announced a rule of "one-in, one-out", whereby an existing regulation will have to be scrapped for each one that is to be created. The UK government is, however, not permitted to scrap regulations that have been required by the European Union (EU). Instead, it intends to work with other EU states with a view to amending certain aspects of EU legislation. Also, ministers will review 'gold plating', which is short-hand for instances where UK law has gone beyond the basic requirements of the existing EU legislation.

Visitors to the "Red Tape Challenge" website will see a list of categories ("sectors") of regulations, each of which will be available for consultation for a limited period. Some of these sectors are relevant to wildlife conservation, but most of the wildlife-related regulations appear in a 'general' category, which will be open for comments throughout the consultation. Of the time-limited sectors that are relevant to wildlife habitats, there are four shown on the list at the time of writing this article (mid-May). With their starting dates shown here in brackets, these are as follows: Road transportation (19th May), Fisheries, marine enterprises and internal waterways (2nd June), Utilities and energy (25th August), Rail and merchant shipping (8th Sept) and Mining and quarrying (22nd September). Additionally, respondents are invited to suggest other sectors that could usefully be included in the consultation.

So far, only a few respondents have argued for the repeal of any regulations for wildlife protection. Some of them have commented that certain measures to protect some of the less endangered listed species (e.g. on development sites) are an expensive waste of time. The great majority of respondents have expressed general support for retaining the law. These include, for example, Richard Craven, an environmental consultant, who points out that his work is underpinned and supported by the laws such as the Wildlife and Countryside Act 1981 (as amended), and in particular by the regulations for Sites of Special Scientific Interest. He writes: "*Without this legal foundation, the conservation work undertaken by development industries through environmental consultancies would be difficult to achieve, as – without legal obligation B the need for an environmentally responsible*



approach to development would be seen as peripheral and an unaffordable luxury in a time of austerity. To suggest scrapping all biodiversity and wildlife management regulations is a bit worrying to say the least, especially in a time where British wildlife and ecosystems have never been so degraded and under so much stress."

Officials will be collating respondents' comments, in order to present them to the relevant government ministers. After each minister has received the collated comments, he or she will then have three months to decide which regulations should be scrapped, with the presumption that all burdensome regulations will go unless the relevant government departments can identify a continuing need for them. An independent reviewer will challenge proposals to retain regulations, in order to help maintain the presumption of scrapping any that cannot be justified. Following a decision to repeal a particular regulation, the government will aim to go ahead as quickly as possible.

Anyone who would like to submit comments should visit the Red Tape Challenge website. The web-page address for environmental regulation is as follows: <http://www.redtaapechallenge.cabinetoffice.gov.uk/environment/>. The wildlife sub-category can be found under "*Biodiversity, wildlife management, landscape, countryside and recreation*". Comments on environmental laws can be sent throughout the consultation. There will also be a period, starting in September 2011, when these laws will be flagged up on the current list, for the attention of anyone who has not already submitted comments.

More on neonicotinoid insecticides

In response to growing concern about the effects of neonicotinoid insecticides on bees (see ICN Nos. 60 and 64), a campaign to suspend their use in the USA and the EU has been mounted by Avaaz, an international campaigning network. In the UK, the Bumblebee Conservation Trust (BBCT) has responded by commenting on the campaign, in partnership with Buglife – The Invertebrate Conservation Trust, which has contacted its member-organisations with news of these developments.

BBCT says that it shares concerns about growing evidence suggesting that some pesticides, including neonicotinoids, are harmful to bees. According to BBCT's understanding of the scientific evidence, however, some of the claims in the Avaaz campaign are not well supported. Also BBCT takes issue with Avaaz's argument that



pesticides are the root cause of global bee declines. It is BBCT's view that many wild bee species have declined primarily because of habitat loss and other factors, besides pesticide use. As far as honeybees are concerned, BBCT believes similarly that the causes of decline are more complicated than implied in the Avaaz literature. BBCT mentions that diseases have been particularly significant in the decline of honeybee colonies, but it is interesting to note that recent research (see *ICN* No. 64) indicates that there could be synergistic effects between disease and neonicotinoids.

On balance, BBCT supports the call for neonicotinoids to be banned as a precaution until thorough independent research determines their safety. Also, BBCT agrees that a ban would probably make a significant difference to bee populations in some areas of intensive arable agriculture, where the crop species include abundant sources of pollen and nectar. BBCT points out, however, that such a ban would not (as claimed by Avaaz) "save our bees", because this would do nothing to alleviate the root cause of most declines in wild bees, which is thought to be the drastic loss of flower-rich grasslands and other habitats.

BBCT stresses that the need, at least for wild bees, is to promote an integrated approach in which the most harmful pesticides would be banned, alongside the adoption of sympathetic methods of farming which support and encourage pollinators. In livestock-rearing or in mixed farming, particular benefits would be achieved through a return to species-rich hay meadows instead of silage monocultures and the use of clover ley crops for improving fertility instead of widespread fertiliser use. In arable areas, the main hope for improvement lies in the management of low-productivity areas (margins and corners) as flower-rich habitats. BBCT mentions that such management has been shown to promote a large increase in the numbers of foraging bee numbers. Evidence that it also enhances population-size is, however, harder to gather and hence less robust.

Following its initial comments on the Avaaz campaign, BBCT reported that discussions were taking place with a view to making the campaign more authoritative. Meanwhile Buglife has continued its investigation into the available evidence regarding the environmental safety of neonicotinoids. This includes a research paper which reports that contamination of honeycomb in hives can have very significant effects on the health of the occupying bees. Also, the UK government department responsible for pesticide safety (Defra) has released a report compiled in 2009 by the Advisory Committee on Pesticides (ACP). According to Buglife, the report makes clear for the first time



what evidence the Government has been relying on to license the use of neonicotinoids, or rather the one neonicotinoid product that is covered in the report.

Buglife is pleased to see that the ACP report concludes that the available evidence – or the lack of it – indicates a significant cause for concern, but would have preferred to see a conclusion that a ban is therefore needed, at least until better evidence is obtained. The report notes that field studies have shown “no gross effects” on honeybees, but acknowledges that these studies – most of which were funded by the pesticide manufacturer – have been very short in duration (often only three days) and have not been published in peer-reviewed journals. Also, the studies have focussed almost entirely on honeybees even though, as Buglife points out, more than 90% of pollination is done by wild bees, hoverflies, moths and other insects.

In field studies, one of the difficulties is that sub-lethal effects (for example, on the performance of bees) can be overlooked. Buglife cites a recent review of published studies (Cresswell, 2010), which indicates that field studies have failed to reveal effects that have been measured in the laboratory. Buglife is therefore concerned that the results of field studies could be a false basis for licensing neonicotinoids and is working with the Chemical Regulation Directorate in the UK in order to help shed some light on the matter.

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- The Advisory Committee on Pesticides (ACP) report and letter to the CRD: <http://www.pesticides.gov.uk/environment.asp?id=2989>
- Cresswell, J. (2010): <http://www.springerlink.com/content/j7v320r55510tr54>
- BBCT statement: (<http://www.bumblebeeconservation.org.uk/news.htm>)

Invertebrate ‘takes revenge’ on cars

Although road verges (when not cut excessively) provide important linear habitats for many invertebrate species, a substantial proportion of individuals succumb to air turbulence and impact from motor vehicles. The same fate awaits many invertebrates that come from nearby fields and woodlands, rather than from the verges. It is therefore interesting to learn that car drivers in the Americas could fall victim to an invertebrate. According to a report by Ken Thomas of Associated Press (03 March 2011), the Japanese auto manufacturer



Mazda has recalled more than 50,000 cars sold in the United States and an additional 15,000 that were sold in Canada, Mexico and Puerto Rico. The cars involved have V4 engines and were built from April 2008 to February 2010.

It seems that Mazda took action after its dealers had reported 20 cases in which Yellow sac spiders (presumably *Cheiracanthium inclusum*) had woven webs in a vent connected to the fuel tank system, with the potential to clog the vent and thus to cause an increase of pressure in the tank. The tank could then crack, with consequent fuel leakage and the risk of a fire. According to the report, Mazda was, however, not aware of any such consequences having occurred.



SITES AND SPECIES OF INTEREST

More news about the Crucifix ground beetle in England

As mentioned in *ICN* No 59, there was an incorrect record of the Crucifix ground beetle *Panagaeus cruxmajor* at Wicken Fen, a famous nature reserve in East Anglia, in 2008. The beetle, which has distinctive bright red markings on a black background, used to occur more widely in marshes and fens in Britain but has been declining for many years, owing to reductions in the area of grazed wet pastures or dune slacks. Wicken Fen was one of its strongholds in the 19th Century, when Charles Darwin collected it on the banks of the nearby River Cam while studying at Cambridge. Records of the beetle from Wicken Fen ceased after 1951, and so the incorrect record in 2008 was only a short-lived cause for optimism. A new record has, however, recently been made (with verification by the carabid specialist Martin Luff) near the Humber Estuary in North Lincolnshire (Hammond & Merritt, 2011).

The authors do not regard their discovery as entirely surprising, since a previous record near the Humber Estuary had been made in the 1940s. It is, however, considerably further from the only other recently recorded site in Lincolnshire, the Saltfleet-Theddlethorpes Dunes on the north-east coast of the county. As mentioned in the earlier *ICN* articles, recent records of the beetle have been confined to very few other areas of Britain. Populations are thought to be present at



Wheldrake Ings in the lower Derwent Valley in Yorkshire, and along the River Rother in East Sussex and Kent in south-east England. A population on the Welsh coast was reportedly lost because of marine incursion of a dune system but there are hopes that the beetle might still be present in nearby areas of suitable habitat. The beetle is thought also to survive in Ireland, where several records have been made in County Galway.

With regard to the management of the newly recorded Lincolnshire site, the landowners have reportedly agreed to take account of the presence of the beetle. This is an encouraging outcome of the authors' discovery.

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Hammond, M. and Merritt, R. (2011). A new site for *Panagaeus cruxmajor* (Linnaeus) (Carabidae). *The Coleopterist* 20, 4.

Thames Gateway: Buglife campaign

As mentioned in previous issues of *ICN*, Buglife – The Invertebrate Conservation Trust campaigned in 2008 to protect habitats at West Thurrock Marshes, Essex, a key wildlife site in the area east of London known as the Thames Gateway. The Gateway has been designated as a region for commercial and residential development, which in some instances threatens the existence of areas of exceptionally rich biodiversity. Buglife is now campaigning to protect another key site for biodiversity in the region. This site, which lies further east on the Isle of Grain in the county of Kent, has been earmarked for a huge warehouse development by National Grid, the power distribution company.

Buglife has found that the site on the Isle of Grain supports an exceptional area of 'open mosaic habitat', including flower-rich areas, bare ground used by burrowing and sun-basking insects, and pools used by aquatic beetles and bugs. The insects include bumblebee species that have become rare elsewhere, including the Brown banded carder-bee *Bombus humilis* and the Shrill carder-bee *Bombus sylvarum*. There is also a hoverfly *Paragus albifrons* (the "White eye-stripe hoverfly"), which was until now suspected to have become extinct in the UK, and a carabid beetle *Ophonus melletii* ("Mellet's downy-back beetle"), which has been recorded only five times in the UK in the last 20 years.



National Grid has already sprayed large areas of the site with pesticides, justifying this as an attempt to eliminate the Brown-tail moth *Euproctis chrysorrhoea*. This has resulted in the loss of flowering plants and bushes used by pollinating insects such as bumblebees.

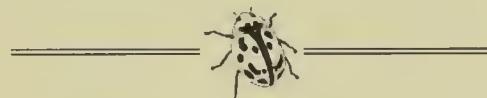
In its battle to protect the site from further damage, Buglife instigated legal proceedings, in which the judge found that National Grid and Medway Council had failed to undertake a proper assessment of the impact of development on wildlife. Also, he ruled that National Grid must stop spraying the site with pesticides and must then undertake further surveys of the wildlife after allowing species to recover from the spraying. The judge thus supported Buglife's arguments but he refused to allow a judicial review of the planning permission. Buglife is not convinced that ecological assessments will save the site from harmful development has therefore decided to appeal.

References

Buglife news report: <http://www.buglife.org.uk/News/Legal+battle+for+bumblebee+paradise>

Oil beetle survey in the UK

Buglife – The Invertebrate Conservation Trust is running a project on oil beetles (family Meloidae) and is inviting people to submit records. Four hundred records have been received already. The following Buglife web-address provides guidance for voluntary recorders: <http://www.buglife.org.uk/getinvolved/surveys/Oil+Beetle+Hunt/>



FUTURE UK EVENTS

British Entomological & Natural History Society

Saturday, 23rd July, 10.00am. Richmond Park, Surrey. Meet at Pembroke Lodge car park (TQ 187729), leader Nigel Reeve, Head of Ecology, The Royal Parks: an opportunity to sample the under-recorded grassland invertebrates of an area renowned for its saproxylic species.

CONTENTS

EDITORIAL.....	1
NEWS, VIEWS AND GENERAL INFORMATION	
More on ragwort misinformation in the UK.....	4
Red Tape Challenge in the UK.....	6
More on neonicotinoid insecticides.....	8
Invertebrate 'takes revenge' on cars	10
SITES AND SPECIES OF INTEREST	
More news about the Crucifix ground beetle in England	11
Thames Gateway: Buglife campaign.....	12
Oil beetle survey in the UK.....	13
FUTURE UK EVENTS	
British Entomological Natural History Society.....	13

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